**THE HON'BLE SRI JUSTICE S.ANANDA REDDY**

**WRIT PETITION NO : 16741 of 2005**

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**Date: 29.07.2005**

Between:

P. Sudhakar, S/o.Narahari,

Narketpally, Nalgonda District.

..... PETITIONER

AND

The Depot Manager, A.P.S.R.T.C., Suryapet Depot,

Narketpally, Nalgonda District.

.....RESPONDENTS

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**THE HON'BLE MR JUSTICE S.ANANDA REDDY**

**WRIT PETITION NO : 16741 of 2005**

**ORDER:**

This writ petition is filed by the petitioner questioning the proceedings of the respondent, who is the Disciplinary Authority, in imposing a punishment of deferment of annual increment for a period of two years with cumulative effect, which

was confirmed by the Appellate Authority by proceedings dated 28.03.2005.

2. According to the petitioner, he is working as a Conductor in the respondent Corporation. While he is serving the Corporation, he was charge sheeted on 15.05.1995 on the allegation that he has committed cash and ticket irregularities on 01.05.1995. The petitioner submitted his explanation denying the allegations made against him. The respondent Disciplinary Authority having not satisfied with the explanation, instead of conducting a regular departmental enquiry passed final orders imposing a major penalty of deferment of annual increment for a period of two years. Aggrieved by the same, the petitioner filed an appeal before the appellate authority – Divisional Manager, A.P.S.R.T.C., Nalgonda. The said appeal was dismissed. Hence, the present writ petition.

3. The learned counsel for the petitioner contended that imposition of major penalty without conducting domestic enquiry is illegal and unsustainable in the light of the judgments of this Court as well as the Apex Court.

4. On the other hand, the learned Standing Counsel for the respondent Corporation sought to sustain the impugned order.

5. Heard both sides and considered the entire material available on record.

6. As per the settled legal position, imposition of major penalty of deferment of annual increment for a period of two years without regular enquiry is illegal and unsustainable. But, however, as the petitioner was charge sheeted as early as on 15.05.1995, at this stage, it is not appropriate for this Court to remand the matter back to the Disciplinary Authority to conduct the enquiry and pass orders.

7. Under the above circumstances, the impugned order passed by the respondent imposing major penalty is modified to that of a minor penalty sustaining the withholding of annual increment for a period of two years without cumulative effect. However, it is made clear that the monetary benefit, to which the petitioner is entitled to as a result of the present order, would be available to him only from the date of the order in this writ petition and he is not entitled to any monetary benefit for the period prior to the order of this Court.

8. The writ petition is accordingly disposed of at the admission stage.

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**S. Ananda Reddy, J**

Date: 29.07.2005

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